

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty SCS-540-561
Dkt.

Itw

RUSSELL

Serial No. 10/531,060

Filed: June 23, 2005

Title: IMPROVEMENTS IN OR RELATING TO PAYLOAD MODULES

C# M#
TC/A.U. 3643

Examiner: R. Swiatek

Date: April 21, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment **18** minus highest number
previously paid for **20** (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment **4** minus highest number
previously paid for **4** (at least 3) = 0 x \$210.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add
\$370.00 (1203)/\$185.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)
One Month Extension \$120.00 (1251)/\$60.00 (2251)
Two Month Extensions \$460.00 (1252)/\$230.00 (2252)
Three Month Extensions \$1050.00 (1253)/\$525.00 (2253)
Four Month Extensions \$1640.00 (1254)/\$820.00 (2254)
Five Month Extensions \$2,230.00 (1255)/\$1115.00 (2255) \$

Terminal disclaimer enclosed, add \$130.00 (1814)/\$65.00 (2814) \$

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$ 0.00

Assignment Recording Fee \$40.00 (8021) \$ 0.00

Other: \$ 0.00

TOTAL FEE \$ 0.00☐ **CREDIT CARD PAYMENT FORM ATTACHED.**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: Stanley C. Spooner, Reg. No. 27 393

Signature: 



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

RUSSELL

Atty. Ref.: 540-561; Confirmation No. 4532

Appl. No. 10/531,060

TC/A.U. 3643

Filed: June 23, 2005

Examiner: R. Swiatek

For: IMPROVEMENTS IN OR RELATING TO PAYLOAD MODULES

* * * * *

April 21, 2008

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Sir:

RESPONSE TO RESTRICTION REQUIREMENT

This is responsive to the restriction requirement mailed by the Examiner March 19, 2008 (Paper No. 20080311), the date of response to which is April 21, 2008 (April 19, 2008 falling on a Saturday).

The Examiner requires restriction amongst four alleged different inventions. Applicant elects with traverse the invention of Group I including claims 1 and 4-17. While the Examiner alleges that these four groups are different inventions, Applicant would note that Groups II and III would also appear to be directed to the same invention as Group I. While the Examiner alleges that these claims do not include the feature of Group I, i.e., "plurality of closely-packed functional units," Applicant points out that claim 2 of Group II also recites "closely-packed formation of interconnected functional units" and claim 3 of Group III also recites "a sufficiently

closely-packed modular formation.” While the exact claim language is not repeated in claims 2 and 3, it is clear that they both relate to the same inventive combination as independent claim 1 and therefore claims 2 and 3 should also be included in the invention of Group I. Therefore, Applicant traverses the restriction requirement with respect to dividing out the claims of Groups II and III from the elected invention of Group I.

The Examiner also requires an election of species between Species A Figure 5, Species B Figure 6 and Species C Figure 11. While Applicant elects with traverse Species A, it is noted that Species B and C will also be considered should the Examiner hold any generic claim allowable.

On page 3 of the Official Action, the Examiner admits that claims 1, 12-17 and 19 are all generic. Inasmuch as these claims are admitted to be generic and claim 19 is admitted to be directed to Group IV, the Examiner is believed obligated to consider the subject matter of Group IV (claim 19) when considering elected Group I because claims 1, 12-17 and 19 are all admitted to be generic of the inventions claimed.

Thus, Applicant elects Species A with traverse as noted above.

The Examiner also alleges that there are four sub-species present in the application (page 3, first paragraph). While the Examiner does not specifically require election of a sub-species on page 3, the last paragraph of the Official Action suggests that if Group I is chosen, Applicant “should” choose one of the sub-species. Again, with traverse, Applicant chooses sub-species A’, but this election requirement is also traversed, as the purported sub-species A Figure 5-11 “a spacecraft,” is also believed to cover the other alleged sub-species as well.

RUSSELL
Appl. No. 10/531,060
April 21, 2008

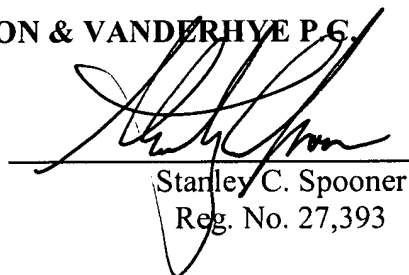
On page 3 of the Official Action, the Examiner alleges that elected Species A is discussed in claims 1, 3, 12-17 and 19. Thus, Applicant elects Group I claims 1 and 4-19 (and traverses the election unless claims 2 and 3 from Groups II and III are included). Applicant elects Species A (Figure 5) and claims 1, 3, 12-17 and 19 readable thereon. If required, Applicant further elects sub-species A and generic claims 1, 12-17 and 19 admittedly readable thereon.

Having responded to all requirements in the outstanding Official Action, it is submitted that all pending claims are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of these claims, he is respectfully requested to contact Applicant's undersigned representative.

Respectfully submitted,

NIXON & VANDERHUYE P.C.

By:



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